

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

QING CHANG,

Plaintiff,

-V-

UR MENDOZA JADDOU, *et al.*,

Defendants.

24 Civ. 6565 (JPC) (SLC)

ORDER ADOPTING  
REPORT AND  
RECOMMENDATION

JOHN P. CRONAN, United States District Judge:

Plaintiff Qing Chang brings this action under the Mandamus Act, 28 U.S.C. § 1361, and the Administrative Procedure Act, 5 U.S.C. § 555 *et seq.*, seeking an order compelling the Secretary of the Department of Homeland Security and the Director of United States Citizenship and Immigration Services to render a decision as to his application for asylum in the United States.

Dkt. 1. On February 11, 2024, the Honorable Sarah L. Cave, to whom this case has been referred for general supervision of pretrial proceedings and dispositive motions, issued a Report and Recommendation, recommending that the Court dismiss this case without prejudice. Dkt. 17 (“R&R”).

A district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge” in a Report and Recommendation. 28 U.S.C. § 636(b)(1)(C). If a party submits a timely objection to any part of the magistrate judge’s disposition, the district court will conduct a *de novo* review of the contested section. Fed. R. Civ. P. 72(b)(3); *see also United States v. Male Juvenile*, 121 F.3d 34, 38 (2d Cir. 1997). If no

objections are made, the Court reviews the Report and Recommendation for clear error. *See, e.g., Wilds v. United Parcel Serv.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003).

The Report and Recommendation, citing both Rule 72 of the Federal Rules of Civil Procedure and 28 U.S.C. § 636(b)(1), advised the parties that they had fourteen days from service of the Report and Recommendation to file any objections, and warned that failure to timely file such objections would result in waiver of any right to object. R&R at 19. The Report and Recommendation was electronically served on the parties on February 11, 2025. *See* Dkt. 16 (Plaintiff consenting to electronic service). No objections have been filed and the time for making any objections has passed. The parties have therefore waived the right to object to the Report and Recommendation or to obtain appellate review. *See Frank v. Johnson*, 968 F.2d 298, 300 (2d Cir. 1992); *see also Caidor v. Onondaga Cnty.*, 517 F.3d 601 (2d Cir. 2008).

Notwithstanding this waiver, the Court has conducted a *de novo* review of the Report and Recommendation, and finds it to be well reasoned and its conclusions well founded. Accordingly, the Court adopts the Report and Recommendation in its entirety and dismisses this case without prejudice. The Clerk of Court is respectfully directed to update the docket to reflect that Kristi Noem is the Director the Department of Homeland Security and that Kika Scott is the Senior Official Performing the Duties of the Director of United States Citizenship and Immigration Services, *see* R&R at 1 n.1, and further to close this case.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an

appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: February 26, 2025  
New York, New York

A handwritten signature in black ink, appearing to read "John P. Cronan", is written above a horizontal line.

JOHN P. CRONAN  
United States District Judge